

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s) : RICHTER et al.  
 Serial No. : 09/004,420  
 Filed : January 8, 1998  
 Title : METHOD AND DEVICE FOR FIXATION  
OF A SENSOR IN A BODILY LUMEN

Art Unit : 3736  
 Examiner : R. Nassar  
 Customer No. : 26646

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on

Date 2/27/04

Atty's Reg. # 41,172

Atty's Signature

*LJ Magistre*

DERVIS MAGISTRE  
KENYON & KENYON

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### NOTICE OF APPEAL

SIR:

Applicants hereby appeal the Examiner's decision made in the Office Action dated August 27, 2003 rejecting claims 1, 12-19, 24, 25, 29-37, 39, 40, 70-84. Although this Office Action is non-final, the Notice of Appeal is not premature because claims 1-21 have been rejected at least two times. See Rule 1.191(a).

Applicants respectfully request a three-month extension of time in which to respond to the Office Action pursuant to 37 C.F.R. § 1.136(a), for which a response period expiring on November 27, 2003 was set. The extended period expires on February 27, 2004.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.191 Notice of Appeal fee of \$330.00 and the 37 C.F.R. § 1.136(a) three-month extension fee of \$950.00 to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. Any additional fees deemed necessary should also be charged to Deposit Account No. 11-0600. An additional copy of this Notice is enclosed for that purpose.

03/05/2004 CNGUYEN 00000009 110600 09004420

01 FC:1401 330.00 DA  
02 FC:1253 950.00 DA

Respectfully submitted,

KENYON & KENYON

Dated: 2/27/04

By: *LJ Magistre*

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